



**STATE OF CALIFORNIA**  
*Gray Davis, Governor*

**HEALTH AND WELFARE AGENCY**  
*Grantland Johnson, Secretary*

**DEPARTMENT OF SOCIAL SERVICES**

**CALIFORNIA**  
**DEPARTMENT OF SOCIAL SERVICES**

# **INCOMPATIBLE ACTIVITIES STATEMENT**



## PROCEDURES

All employees shall complete the certification contained in the center of this booklet. For those employees who are engaged in or wish to engage in any employment or activity that falls into "Category C" as indicated on the certification page shall complete the Incompatible Activities Certification and shall submit a written description of the specifics addressed to the Personnel Officer through his/her Branch Chief/Regional Office Manager. This written description should include the name of the employer or activity, the function to be performed, the number of hours per week that the activity and/or employment will involve, if paid or volunteer, and the basis on which the employee believes that the employment and/or activity is not incompatible. This notification shall be made prior to engaging in the outside employment and/or activity so that a determination can be made by the Personnel Officer with review by legal staff as to the permissibility of the employment and/or activity. A response will be promptly conveyed by Personnel.

## APPEAL PROCEDURES

Employees have the right to appeal the application of this policy to their individual situation. Represented employees should follow the appeal process stated in their applicable Memorandum of Understanding (MOU). If there is no process in the MOU, the employee may file a written appeal with the Personnel Officer. All non-represented employees may file a written appeal with the Personnel Officer. The written appeal should include the reason(s) the employee disagrees with the decision.

## CERTIFICATION

The certification in the center of this booklet shall be signed and submitted by all Departmental employees to comply with the Incompatible Activities Policy Statement.

# INCOMPATIBLE ACTIVITIES

## GOVERNING STATUTE -- GOVERNMENT CODE SECTION 19990

Section 19990 of the Government Code requires in part that: "a state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee." Each department is directed to determine, as specifically as possible, the kinds of activities that are deemed inappropriate. Pursuant to this mandate, the California Department of Social Services (CDSS) has set forth this incompatible activities policy and statement.

## GENERAL POLICY

It is the policy of the California Department of Social Services to comply with all provisions of Government Code Section 19990. Therefore, no CDSS officer or employee shall engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a CDSS officer or employee.

This policy applies to all current and future officers and employees of CDSS. The purpose of the policy is to protect the outstanding record of personal integrity established by employees in carrying out the Department's responsibilities to other state agencies and the public.

All levels of supervisors are responsible for ensuring their subordinate staff are informed of this policy and all prospective employees should be made aware that in accepting employment they must abide by these policies. EACH EMPLOYEE/OFFICER SHALL BE GIVEN A COPY OF THIS POLICY STATEMENT.

The following statements, examples and guidelines do not attempt to specify every activity that may be incompatible, nor should they be taken as the only rules that must be observed by an employee. The items included below are illustrations of principles and are not all inclusive. Interpretation of policy will be made on a case-by-case basis.

## **PENALTY FOR VIOLATION OF INCOMPATIBLE ACTIVITIES POLICY**

An employee may be subject to disciplinary action for a violation of Government Code Section 19990. The severity of any adverse action taken will depend upon all circumstances of the particular violation (e.g., any adverse consequences to the Department caused by the seriousness of the particular activity).

### **DEFINITION**

“Employee” includes all civil service employees and “exempt” officers in the California Department of Social Services. The term encompasses any attempt by an employee to circumvent the following policies by the use of a friend, relative, dependent, outside employment, or other alter ego to accomplish indirectly what the following policies prohibit. This definition of “employee” applies throughout this statement.

“Person” includes individuals, firms, corporations, partnerships, associations, other governmental bodies, or agents and representatives of these entities. This definition of “person” applies throughout this statement.

“Outside Employment” is defined as any partnership, ownership or services performed by a department employee on his/her own time, during other than normal working hours, for which he/she receives any form of compensation. This definition of “outside employment” applies throughout this statement.

“Outside Activity” is defined as any employment, enterprise or service performed by a department employee on his/her own time, during other than normal working hours, for which he/she may or may not receive any form of compensation. This definition of “outside activity” applies throughout this statement.

## **USE OF STATE TIME TO MARKET PRODUCTS**

State and departmental policies prohibit the use of State time and resources by employees to market products. In addition, the Incompatible Activities Policy requires that during hours of duty, employees are to devote their full time, attention and efforts to their state office and/or assigned duties.

The term product includes, but is not limited to, cosmetics, food products, housewares, mail orders, jewelry and other sundry products. Employees involved in the marketing of products must confine such activities to nonwork time during the work day.

### **POLITICAL ACTIVITIES**

Political activities for state employees and officers are covered under the Federal "Hatch Act" and applicable state statutes. For information regarding specific political activities, please contact the Personnel Bureau at (916) 657-1762 or CALNET 437-1762 or TTY (916) 653-5457.

### **CONSULTANTS**

All full-time and part-time consultants to the Department are subject to the provisions of the Department's Incompatible Activities Policy.

### **FORMER EMPLOYEES**

Once an employee leaves State service, he/she is no longer subject to the provisions of Government Code Section 19990. However, former employees are governed by the Political Reform Act which restricts post-government employment under the provisions of Government Code Sections 81000-91015. For information regarding these restrictions, please contact the Personnel Bureau at (916) 657-1762 or CALNET 437-1762 or TTY (916) 653-5457.

compensation from a source other than the State without prior approval of the Department Personnel Officer.

11. No employee shall use the authority of his/her position with the Department to violate or circumvent, or assist another to violate or circumvent, any state or federal laws, regulations, and policies relating to programs administered by the Department.
12. No employee who has been given authority to make outside purchases for materials or services for CDSS shall make such purchases from any business entity in which they have a financial interest.

## **GIFTS**

1. No employee shall accept, solicit or pass on to other persons any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from any person who is doing or seeking to do business of any kind with this Department or whose activities are subject to regulation, inspection, supervision, licensing, or certification by this Department under circumstances from which it reasonably could be substantiated that the gift was intended to influence the employee in his or her official duties or was intended as a reward for an official action performed by the employee.
2. All favors must be courteously refused and gifts must be returned.
3. If an employee receives an offer of a valuable favor, expensive gift or cash that implies the intent was to influence a favorable action by the State, the employee's direct supervisor must be notified immediately, even when the offer has been refused. The supervisor will elevate the issue as appropriate.

Inexpensive advertising items bearing the names of firms are generally excluded from this policy (i.e., pencils, pens, calendars, notepads, coffee mugs).

In case of doubt as to the propriety of accepting a gift, the gift should be refused.

## **OUTSIDE EMPLOYMENT AND/OR ACTIVITY**

- I. An employee **MAY** engage in an outside employment and/or activity that is not directly or indirectly related to the employee's functions or responsibilities of his/her departmental duties. Examples of employment and/or activities that typically do not deal with CDSS are:
  - Cashier and/or sales in retail
  - Crafts/handiwork
  - Ranching
  - Restaurants/fast food
  - Taxes
  - Usher at community events
- II. An employee **SHALL NOT** engage in outside employment and/or activities that are directly or indirectly related to the functions and responsibilities of his/her departmental duties or that is subject directly or indirectly to the review, control, inspection, audit or enforcement by that employee. Examples of employment and/or activities that may be related to CDSS are:
  - Counseling
  - Day care
  - Foster care
  - Group care homes
  - Involvement in any organization that is funded or administered by the employee's Division
  - Involvement in any employment/activity that is subject to the review, control, inspection, audit, or enforcement by the employee
  - Medical exam/reviews
  - Real estate agent/broker

Employees are responsible for submitting in writing, a description of any and all outside employment and/or activities that may be related to CDSS. In some instances, an individual incompatible activity determination will need to be prepared by Personnel. Frequently, restriction in workload assignments are developed to prevent potentially incompatible situations from arising.

- III. An employee is **PROHIBITED** from engaging in the following outside activities/employment:
  - An employee shall not counsel, advise, or assist, other than as part of regular performance of departmental duties, any

person in the preparation, presentation or defense of any appeal, application, claim, notice, petition, record, report, statements or other writing or matter that is before, or may be presented to, the Department or in any administrative hearing or court proceeding or action arising under the laws administered by the Department.

- An employee shall not serve, either directly or indirectly, as the representative for any person who is either an applicant for, or a recipient of, any type of public service or assistance from a program that is under the supervision of the employee's Division. An employee shall not serve, either directly or indirectly, as the representative for any person that is either applying for, or has obtained, any license issued by the employee's Division, or which is subject to audit by the employee's Division.
- An employee shall not serve, either directly or indirectly, as the representative of any person in any state hearing, administrative hearing or trial in which the Department is a party or adjudicator, unless required as part of his or her duties as an employee of the Department.
- An employee shall not contract on his/her own behalf as an independent contractor with any State Agency to provide services or goods. (See Public Contract Code 10410).

No outside employment and/or activity should create a situation in which the employee fails to devote full-time attention and efforts to his/her departmental duties during regular hours of employment.

In all outside activities and/or employment situations, the employee must abide by the restrictions listed in the Misuse of Position and/or Resources section of the Incompatible Activities Statement.

#### **MISUSE OF POSITION AND/OR RESOURCES**

Misuse of position and/or resources include using state time, facilities, equipment or supplies for private gain and/or for the advantage of another person. Each Departmental employee is expected to devote his/her full time, attention and efforts to his/her State office or employment during his/her hours of duty as a State employee. Any activity pursued during or outside duty hours that impedes an employee's ability to comply with this obligation is incompatible.

Examples of prohibited activities and/or activities that constitute misuse of position and/or resources include but are not limited to:

1. No employee shall use, either during or outside of office hours, any departmental symbol, badge, uniform, identification card, record, information, facility, staff time, equipment, supplies, training material, vehicle, telephone, address, postage, mailing list, or influence of a State position for personal gain and/or advantage, or lend or give such items to clients, contractors, providers, or other persons, unless otherwise authorized by law.
2. No employee shall use copy machines or computer equipment and software for home or personal use.
3. No employee shall accept, take or convert to one's own use, products of any kind in the course of or result of inspections of products or facilities.
4. No employee shall arrange for employment outside State service while on duty.
5. No employee shall use the status of the Department to solicit directly or indirectly business of any kind or to purchase goods or services for private use at discounts from a person who does business with the State.
6. No employee shall use confidential or non-confidential information available to an employee by virtue solely of the employee's State employment for personal gain and/or advantage or for the personal gain and/or advantage of another person. Supervisors should make reasonable efforts to ensure employees are aware of what information is confidential.
7. No employee shall provide confidential information to persons who have not been authorized to receive such information.
8. No employee shall provide services or information to prospective bidders on any contract.
9. No employee shall provide or use the names of persons or records of the Department for a mailing list which has not been authorized.
10. No employee shall prepare, present or publish any speech, article or other writing relating to the operation of the Department for

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California Department of Social Services  
**PERSONNEL BUREAU**  
**M.S. 15-58**  
744 P Street  
Sacramento, CA 95814

**INSTRUCTIONS  
TO  
COMPLETE  
CERTIFICATION**



After reading this entire booklet, please remove the certification and complete.

Specific types of employment and/or activities are listed by groups and may be with or without pay. This listing is intended as a guide and IS **NOT ALL INCLUSIVE**.

If you check Category A or B, complete upper portion and sign; return certification sheet to Personnel.

If you check Category C, you must complete the entire form, including the name of employer and/or activity and the capacity in which you work. Sign the certification and then follow the procedures as outlined on Page 12 in this booklet. You will receive a response promptly from Personnel.

After completing the certification page, fold, staple and return to Personnel through interoffice mail to the preprinted address on the reverse side of the page. Retain a photocopy for your records.



# CERTIFICATION

**IF YOU HAVE ANY QUESTIONS REGARDING YOUR OUTSIDE ACTIVITIES AND/OR EMPLOYMENT, PLEASE CONTACT PERSONNEL PRIOR TO COMPLETION OF CERTIFICATION.**

I have received and read a copy of the California Department of Social Services Incompatible Activities Statement and I agree to abide by the policies contained in this Statement.

I understand that by signing this certification I declare that I shall submit, in writing, a description of any and all outside activities and/or outside employment as referenced in Category C (see below) within thirty (30) calendar days and, further declare that I will submit, in writing, any and all changes relative to Category C (see below) within in thirty (30) calendar days.

I understand that failure to abide by this policy statement may result in disciplinary action.

I understand this signed certification shall be kept in my official personnel file.

TYPED OR PRINTED NAME	TELEPHONE NUMBER (     )	MAIL STATION
CLASSIFICATION TITLE	TIME BASE (Full-Time, Half-Time, etc.)	UNIT/BUREAU NAME

Please check the box below that applies to you:

- ☐ **Category A** - I have no outside employment and/or activities.
- ☐ **Category B** - I have employment and/or activities that do not deal with CDSS such as:  
Cashier and/or sales in retail  
Restaurants/fast food  
Taxes  
Usher at community events  
Crafts/handiwork  
Ranching
- ☐ **Category C** - I have employment and/or activities that may be related to CDSS such as:  
Group care homes  
Counseling  
Foster Care  
Real Estate Agent/Broker  
Contracts with State  
Day Care  
Medical examinations/reviews  
Involvement in lawsuit against Department  
Involvement with any organization that is funded or administered by the employee's Division  
Involvement of any activity that is subject to the review, control, inspection, audit, or enforcement by the employee.

If you checked Category C, please follow procedures outlined on Page 12.

NAME OF OUTSIDE EMPLOYER AND/OR ACTIVITY		OUTSIDE JOB TITLE/CAPACITY
SIGNATURE		DATE